



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36MJ/18U104597

May 25, 2018

Sent via email to: (b) (6) @aol.com

Mr. Robert Hammond

(b) (6)

Dear Mr. Hammond,

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated January 26, 2018. Your request was received in our office on the same day and was assigned the case number DON-NAVY-2018-003670.

In the course of processing your FOIA request this office contacted the Chief of Naval Operations Human Resources Office (CNO HRO) to conduct a search for applicable records. Subsequently, CNO HRO searched their local files for records relating to "I am respectfully seeking the performance plans from 2013 to present... ..Robin W. Patterson...".

CNO HRO has identified 6 document totaling 136 pages that are responsive to your request. Upon review of these documents, it has been determined that they contain instances of personally identifiable information (PII), such as DoD ID numbers. These instances of PII are exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. In order to protect your privacy, your private information is also withheld under (b)(6). The remainder of the document is released to you. In order to determine whether the information is at issue, this office applied the Reporters Committee Balancing Test.

1. Determine whether there is a personnel, medical, or "similar" file.
2. Determine whether there is a significant privacy interest in the requested information; (In the post-9/11 environment and associated heightened security posture, DoD employees (military, federal, contractor) generally have a greater than de minimis privacy interest in the nondisclosure of personal information simply due to the virtue of their association with DoD (and the release of DoD records which implicitly disclose this association).
3. Evaluate the requester's asserted FOIA public interest in disclosure;
4. If there is a significant privacy interest in non-disclosure and a FOIA public interest in disclosure, balance those competing interests to determine whether disclosure "would constitute a clearly unwarranted invasion of personal privacy." DOJ v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 763 (1989)

Please be advised, it has been determined that in order to remain as transparent as possible, these records will be released in their redacted form for public consumption via FOIAonline.

Because your request is partially denied, you are advised of your right to appeal this determination by writing to:

Office of the Judge Advocate General
1322 Patterson Ave SE Ste 3000
Washington Navy Yard, DC 20374-5066
Washington DC 20350-1000

Your appeal must be postmarked within ninety calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

In this instance, the fees associated with processing your request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis; a previous determination has no influence on future determinations.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Patterson", with a horizontal line extending to the right.

R. Patterson
HEAD, DON FOIA/PA Program Office